

In the High Court of Travancore-Cochin State,  
Before

\*K.P. Koshi, Judge

&  
K.S. Govinda Pillay, Judge.

A.S.No.43 of 1950.  
Q.S.No.279 of 1939 on the file of the Vaikom Munsiff's  
Court.

Appellant:-4th defendant.

Kerulan Govindan Nair, Kuzhikandathil Veedu,  
Kunniyil Mari, Ramapuram Pakuthy.

By Advocate Sri.P.Govindan Nair.

Respondents:-Plaintiffs 2 to 4.

1. Megavenny Ammal wife of Subbarayan Embra, of  
Uduppil Vilas, residing at Kuthen Mator, Kunnapally  
Kara, Kulakulam Pakuthy.

2. Subbarayan Ramakrishnan Embra of do. do.

3. Ramakrishnan Marasimhan Embra of do. do.

By Advocate Sri.S.Narayana Potti.

This appeal suit having been heard on the 7th February 1950,  
this court on the same day delivered the following:

J u d g m e n t.

The appeal is against an order settling a proclamation. It  
would appear there is controversy between the parties as to whether  
one of the encumbrances reserved viz., the decree debt one under  
O.S.294 of 1937 is a live one. The lower court will direct the  
proclamation to be suitably amended so as to incorporate into it  
that the parties are not agreed as to the subsistence of the debt.  
As for the other objections so long as the lower court has not  
gone into the correctness of the amounts reserved for the decree  
O.S.No.105 of 1935 and the amounts due as per the decree under  
execution there is no order which would preclude the parties from  
agitating at the appropriate time what the correct amounts due are.  
With these observations the appeal is dismissed, but the proclamation  
will be suitably amended with reference to the first point mentioned  
above.

Order accordingly.

~~Se/K.P.Koshi, Judge~~  
~~Se/K.S.Govinda Pillay, Judge~~

Sd/K.P. Koshi, Judge.  
Sd/K.S. Govinda Pillay, Judge.

7th February 1950.

(True copy)

*[Signature]*  
Manager for Registrar.

Compared by  
V. Annamalai Amma